IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 588 OF 2007
WITH
CIVIL APPLICATION NO. 838 OF 2007
IN
A.O. NO. 588 OF 2007

Shri Bhagwandas C.Gupta .. Appellant.

V/s.

Municipal Corporation of Gr.Mumbai .. Respondent.

Mr.Suresh Gole for the Appellant.

Ms. Nisha Dabhade for the Respondent.

CORAM : S. A. BOBDE, J.

DATED : 26th JULY, 2007.

P.C. :-

. Heard. Admit. Taken up for final disposal by consent of the parties.

2. After hearing the matter for some time, it seems appropriate to pass the following order :

i. Having regard to the fact that though injunction has been in force from 20th May, 2003, there was no reason for the learned trial Judge to not decide the notice of motion but to merely vacate the status- quo.

ii. In the circumstances, the order in appeal is hereby set aside. The status-quo as ordered by the trial court earlier shall continue pending notice of motion.

iii. The learned Judge is directed to decide notice of motion No.1916 of 2003 in L.C.Civil Suit No.2333 of 2003 within a period of one month from the next date.

3. Appeal with the C.A. is disposed of accordingly.

(S.A.BOBDE,J.)

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